

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-SECOND DAY — THURSDAY, FEBRUARY 20, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 24).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Craddick; Cuellar; Culberson; Danburg; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Davila; Delisi; Luna; Rodriguez.

Absent — Crabb; Hamric.

The invocation was offered by Reverend Clifford Poe, Trinity Church, League City, as follows:

Our Father in Heaven, we recognize that this is the day that you have made, therefore we will rejoice and be glad in it.

We further acknowledge you as the father of lights from whom every good and perfect gift comes down. You are our creator, sustainer, redeemer, and friend. Apart from you we can do nothing.

O, Lord, we confess our tendency to promote ourselves and our personal kingdoms. We know that we are bent toward pride, envy, lust, and greed. We ask your forgiveness this day. Forgive as well our judgment of others, for truly we ourselves are not without sin and cannot cast stones. Thank you that you have not dealt with us according to our sins, but have been slow to accuse and quick to forgive and to restore. May we do likewise.

Thank you, Father, for choosing to do your work through us. For the privilege of serving you and others, we are grateful. Empower this body today with grace sufficient for the tasks at hand. May they love mercy, do justice, and walk in true humility before you and one another. Make each person

effective in the elected or appointed role that you have given them to fulfill in this house. Grant us all clarity, focus, and purpose.

And above all, may your will be done among us today, as surely as it will be in Heaven.

In your holy, loving, and powerful name we pray. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Rodriguez on motion of Kubiak.

Davila on motion of Farrar.

The following member was granted leave of absence for today because of important business:

Delisi on motion of Swinford.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CAPITOL PHYSICIAN

The speaker recognized Representative Wohlgemuth who presented Dr. Bruce Scaff of Clifton as the "Doctor for the Day."

The house welcomed Dr. Scaff and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 149 - ADOPTED (by Shields)

Representative Shields moved to suspend all necessary rules to take up and consider at this time **HR 149**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 149, Honoring Joshua Clark Davis for his achievements during the 1996 Summer Olympic Games.

HR 149 was read and was adopted without objection.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 149** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Shields, who introduced Joshua Clark Davis. Mr. Davis addressed the house briefly.

HR 172 - ADOPTED (by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 172**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 172, Honoring Kenneth and Frances Bailey on the occasion of their 50th wedding anniversary.

HR 172 was adopted without objection.

HR 173 - ADOPTED
(by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 173**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 173, Congratulating Jessica Pruett on winning the national Punt, Pass, and Kick competition.

HR 173 was adopted without objection.

HR 193 - ADOPTED
(by Gutierrez)

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 193**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 193, Recognizing February 20, 1997, as McAllen Day at the Capitol.

HR 193 was read and was adopted without objection.

HR 170 - ADOPTED
(by Staples)

Representative Staples moved to suspend all necessary rules to take up and consider at this time **HR 170**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 170, Recognizing February 20, 1997, as Palestine Day at the Capitol.

HR 170 was read and was adopted without objection.

HR 195 - ADOPTED
(by Torres, et al.)

Representatives Torres and Farrar moved to suspend all necessary rules to take up and consider at this time **HR 195**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 195, Recognizing February 23, 1997, as Go Tejano Day.

HR 195 was adopted without objection.

HR 197 - ADOPTED
(by Uher)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 197**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 197, Congratulating Cecil Bird on the occasion of his 90th birthday.

HR 197 was adopted without objection.

HR 153 - ADOPTED
(by Brimer)

Representative Brimer moved to suspend all necessary rules to take up and consider at this time **HR 153**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 153, In memory of Helen Frances Riddle Witt.

HR 153 was unanimously adopted by a rising vote.

On motion of Representative Price, the names of all the members of the house were added to **HR 153** as signers thereof.

HR 129 - ADOPTED
(by Seaman)

Representative Seaman moved to suspend all necessary rules to take up and consider at this time **HR 129**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 129, In memory of Stanley Louis Mikula.

HR 129 was unanimously adopted by a rising vote.

HCR 52 - ADOPTED
(by Ramsay)

Representative Ramsay moved to suspend all necessary rules to take up and consider at this time **HCR 52**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 52, Recognizing January 29, 1997, as Jefferson Day at the State Capitol.

HCR 52 was adopted without objection.

RULES SUSPENDED

Representative Heflin moved to suspend the 5-day posting rule to allow the Committee on Appropriations, Subcommittee on General Government, to

consider the budgets of the Office of State and Federal Relations and the Preservation Board.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, Subcommittee on General Government, 5 p.m. or on adjournment of full Appropriations Committee today, E1.018, Capitol Extension, to consider the budgets of the Office of State and Federal Relations and the Preservation Board.

Appropriations, Subcommittee on Article IX, 12 noon Wednesday, February 26, rescheduled from today, E1.030, Capitol Extension, to consider equal opportunity.

PROVIDING FOR ADJOURNMENT

Representative Cook moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, February 24.

The motion prevailed without objection.

(Crabb now present)

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 10:50 a.m., adjourned until 10 a.m. Monday, February 24.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 1421 (by Hinojosa, et al.), Relating to the authority of a certain economic development corporation to contract with a member of the board of directors of the corporation or a member's spouse.

To Economic Development.

HB 1422 (by Hightower, Place, et al.), Relating to prohibiting employment discrimination against certain correctional officers employed by the Texas Department of Criminal Justice for refusing to take a polygraph examination.

To Corrections.

HB 1423 (by Cuellar), Relating to the powers and duties of certain constables to enforce environmental laws affecting the Rio Grande.

To Environmental Regulation.

HB 1424 (by Eiland), Relating to the imposition of a municipal sales and use tax and hotel occupancy tax in areas to be annexed by certain municipalities.

To Ways & Means.

HB 1425 (by Dunnam), Relating to interlocutory appeal of certain court orders relating to arbitration.

To Civil Practices.

HB 1426 (by Chisum), Relating to the regulation of radioactive materials and other sources of radiation and to the disposal of radioactive waste.

To Environmental Regulation.

HB 1427 (by Hightower), Relating to the possession and use of tobacco products by employees of the institutional division of the Texas Department of Criminal Justice.

To Corrections.

HB 1428 (by Stiles and Price), Relating to the creation and operation of a commission to coordinate the celebration of the centennial of the discovery of the Spindletop Oil Field.

To State Affairs.

HB 1429 (by Stiles), Relating to the standards of conduct for former directors, officers, and employees of a nonprofit corporation under contract to invest the permanent university fund or certain other university funds and to the corporation's dealings with a former director, officer, or employee; providing a penalty.

To Pensions & Investments.

HB 1430 (by Hill), Relating to payment bonds on certain public works contracts.

To State Affairs.

HB 1431 (by Kuempel), Relating to removing the authority of certain local governments to participate directly in regional habitat conservation plans; requiring the Parks and Wildlife Department to coordinate with governmental entities affected by the plan and to submit the plan to the legislature for review.

To Land & Resource Management.

HB 1432 (by Brimer), Relating to the regulation of industrial hygienists and occupational safety professionals; providing a civil penalty.

To Business & Industry.

HB 1433 (by Maxey), Relating to peer review protections for registered nurses when advocating for patients or refusing to engage in unsafe care and when employer reports inappropriate patient care.

To Public Health.

HB 1434 (by Maxey), Relating to underwriting guidelines used by certain health benefit plans.

To Insurance.

HB 1435 (by Carter), Relating to the regulation of the practice of chiropractic.

To Public Health.

HB 1436 (by Carter), Relating to the fee for and term of state registration as a noncommissioned security officer.

To Public Safety.

HB 1437 (by Carter), Relating to the creation of an emergency telephone call box system for highway users in this state.

To Transportation.

HB 1438 (by Bosse, Jackson, Talton, and Crabb), Relating to the annexation of industrial areas by certain municipalities.

To Land & Resource Management.

HB 1439 (by Hilderbran), Relating to use of financial assistance granted to persons with dependent children.

To Human Services.

HB 1440 (by Hawley), Relating to free trial transcripts for appeals in which an affidavit of inability to pay costs has been filed.

To Civil Practices.

HB 1441 (by Goodman and Naishtat), Relating to the recodification of statutes relating to protective orders and family violence.

To Juvenile Justice & Family Issues.

HB 1442 (by Berlanga, Brimer, McCall, Jackson, Danburg, et al.), Relating to the adoption of certain plumbing codes.

To Licensing & Administrative Procedures.

HB 1443 (by Berlanga, Brimer, McCall, Jackson, Danburg, et al.), Relating to certain standards involving the regulation of air conditioning and refrigeration contractors.

To Licensing & Administrative Procedures.

HB 1444 (by Berlanga and Chavez), Relating to administration of vital statistics records.

To Public Health.

HB 1445 (by Gray), Relating to the continuation and functions of the Texas Racing Commission and to the transfer of certain commission functions to the Texas Department of Commerce; providing penalties.

To Licensing & Administrative Procedures.

HB 1446 (by Nixon), Relating to the penalty for knowingly or intentionally manufacturing, delivering, or possessing with intent to manufacture or deliver less than one gram of certain controlled substances.

To Criminal Jurisprudence.

HB 1447 (by Rodriguez), Relating to civil service exemption for certain county employees.

To County Affairs.

HB 1448 (by Hunter), Relating to reporting of representation before state agencies by state officers and employees.

To State Affairs.

HB 1449 (by Hunter), Relating to reporting concerning fundraising for governor for a day and speaker's reunion day ceremonies.

To State Affairs.

HB 1450 (by Longoria), Relating to reestablishment of service credit in a public retirement system participating in the proportionate retirement program.

To Pensions & Investments.

HB 1451 (by Longoria), Relating to the amount of compensation that must be paid to a district clerk.

To County Affairs.

HB 1452 (by Gutierrez), Relating to poaching; providing a penalty.

To State Recreational Resources.

HB 1453 (by S. Turner and Dukes), Relating to the enforcement of certain laws prohibiting employment discrimination by the Commission on Human Rights.

To State Affairs.

HB 1454 (by S. Turner), Relating to the accumulation and valuation of sick leave by certain firefighters and police officers.

To Urban Affairs.

HB 1455 (by Kuempel), Relating to the regulation of a detection device under the Private Investigators and Private Security Agencies Act.

To Public Safety.

HB 1456 (by Goolsby), Relating to the statute of limitations for claims against licensed interior designers.

To Civil Practices.

HB 1457 (by Coleman), Relating to the prohibition of certain discrimination in applications for employment and employment interviews.

To State Affairs.

HB 1458 (by Chavez), Relating to the punishment for the offense of indecency with a child.

To Criminal Jurisprudence.

HB 1459 (by Coleman, Counts, Van de Putte, Horn, and Smithee), Relating to the delivery and funding of certain mental health, chemical dependency, and mental retardation services through networks established by community centers;

establishing requirements for capitation and other at-risk contracts for members of the state's priority population; and declaring an emergency.

To Public Health.

HB 1460 (by Delisi), Relating to the name of a public junior or community college.

To Higher Education.

HB 1461 (by Delisi), Relating to the payment of resident tuition and fees at state institutions of higher education by children and spouses of certain military personnel.

To Higher Education.

HB 1462 (by Corte), Relating to exemptions from certain county civil service systems.

To County Affairs.

HB 1463 (by Bosse), Relating to the sale of real property placed in the name of the state as a result of a tax foreclosure sale.

To Land & Resource Management.

HB 1464 (by Bosse), Relating to the disposal of certain abandoned vehicles by a vehicle storage facility.

To Transportation.

HB 1465 (by Haggerty), Relating to the regulation of staff leasing services; providing penalties.

To Licensing & Administrative Procedures.

HCR 89 (by Madden, B. Turner, Hupp, Clark, Isett, et al.), Supporting the right of all military personnel to vote in all Texas elections.

To Elections.

HCR 92 (by Delisi), Designating February 25, 1997, as Long-Term Care Ombudsman Day in Texas.

To Rules & Resolutions.

HCR 93 (by Bosse), In memory of the Honorable Erwin Barton.

To Rules & Resolutions.

HJR 76 (by Junell), Proposing a constitutional amendment to abolish the office of constable in Coke and Irion counties.

To County Affairs.

HR 189 (by Rhodes), Commemorating the 150th anniversary of First United Methodist Church in San Marcos.

To Rules & Resolutions.

HR 190 (by Rhodes), Commending the Silver-Haired Legislature.

To Rules & Resolutions.

HR 192 (by Hunter, et al.), Honoring Dr. William Beazley on the occasion of his retirement.

To Rules & Resolutions.

HR 194 (by Williams), Honoring Allen McCree.
To Rules & Resolutions.

HR 196 (by Pitts), Welcoming the students of Palmer High School and honoring them on the occasion of their visit to the State Capitol.
To Rules & Resolutions.

HR 198 (by West), In memory of Frederick W. "Rick" Volker, Jr.
To Rules & Resolutions.

HR 199 (by McClendon), Honoring Edward E. Whitacre, Jr.
To Rules & Resolutions.

HR 200 (by McClendon), Honoring Dr. John P. Howe III.
To Rules & Resolutions.

HR 201 (by McClendon), Congratulating Mary Vance on her receipt of the 1996 Alumna of Distinction Award for Professional Achievement from the University of the Incarnate Word.
To Rules & Resolutions.

SB 114 to Criminal Jurisprudence.

SB 329 to Criminal Jurisprudence.

SB 404 to Natural Resources.

SB 407 to State Affairs.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, February 20, 1997

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 65 Delisi SPONSOR: Fraser
Commemorating the 100th anniversary of the founding of Scott & White Memorial Hospital in Temple.

HCR 81 Hamric SPONSOR: Whitmire
In memory of Pam Lychner.

HCR 88 Allen SPONSOR: Brown
Designating February 19, 1997, as Crime Victims Day.

HCR 91 Patterson, L.P. "Pete" SPONSOR: Ratliff
Designating February 19, 1997, as Paris-Lamar County Day at the Capitol.

SB 228 Armbrister
Relating to certain counterfeit trademarks, service marks, or identification marks in connection with the sale or manufacture of goods and services; providing penalties.

SB 263 Zaffirini
Relating to the creation of an appellate judicial system for the Fourth Court of Appeals District.

SB 280 Zaffirini
Relating to the experience credited in placing a public school teacher or librarian on the state minimum salary schedule.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

February 19

Economic Development - **HB 564, HB 566**

Higher Education - **HB 221, HB 634, HB 767**

RECOMMENDATIONS FILED WITH THE SPEAKER

February 19 - **HB 488**

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